IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR

SECOND APPEAL NO. 509 OF 2007

Kireshkumar @ Ghudiyasingh Pannalal Dhurve
vs.
Smt. Shobha Kireshkumar Dhurve

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

CORAM : B.P. DHARMADHIKARI, J.
NOVEMBER 19, 2007.

Shri Bhamburkar, learned counsel for the appellant states that as the appellant – husband and respondent – wife are both married as per Hindu customs, the Court below has jurisdiction to take cognizance of the matter.

It has come on record that both the parties belong to Gond community which is a Scheduled Tribe caste.

In these circumstances, the appellate Court has found that the proceedings filed vide HMP No.42 of 1998 for divorce under Section 13(1)(i-a), (i-b) of the Hindu Marriage Act, 1955, are not maintainable.

Shri Bhamburkar, learned counsel

seeks time to study the matter.

In view of the specific findings and position of law emerging, I have rejected his request for grant of time. Second Appeal is dismissed. However, the appellant is at liberty to take recourse to such provisions which are available in law to him.

JUDGE

***GS.**